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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,355	07/17/2003	Masahide Miyazaki	1472-0302P	8913
2292	7590	04/20/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			ENGLE, PATRICIA LYNN	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			3612	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/620,355	MIYAZAKI, MASAHIKE
	Examiner Patricia L Engle	Art Unit 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-17 is/are allowed.
- 6) Claim(s) 18-21 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/17/03</u> .   | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3, 9, 10-17 are objected to because of the following informalities:
  - a. In claim 3, lines 2 and 6, "so far" should be deleted;
  - b. In claim 3, lines 5 and 8, --it-- should be inserted after "as";
  - c. In claim 9, line 1, "2" should be --4--;
  - d. In claims 10-17, "third" should be --first-- and "fourth" should be --second--;
  - e. In claim 12, lines 2 and 6, "so far" should be deleted;
  - f. In claim 12, lines 5 and 8, --it-- should be inserted after "as".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Ikemizu (US Patent 4,388,355).

Regarding claim 18, Ikemizu discloses a pillar trim structure, comprising: a pair of retained members (26) each having its one end fixed on a pillar trim (21) and its other end retained on a pillar (11), wherein engagements between said paired retained members (26) and said pillar (11) are released by deforming said pillar trim (21) to

change the angle of said paired retained members (26) with respect to said pillar (11).

Although Ikemizu does not disclose that the retained members are released from the member (11) by deforming the trim member (21), it would be a natural result of the trim member being deformed such that the ends moved toward each other. As to the limitation that the member that the trim is attached to is a pillar, this is only an intended use limitation which is given little patentable weight. There is no claim language directed to structure of the pillar that would prevent Ikemuzu from meeting the claim limitations of the trim structure.

4. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Tyves (US Patent 5,186,509).

Regarding claim 18, Tyves discloses a pillar trim structure, comprising: a pair of retained members (105,40) each having its one end fixed on a pillar trim (20) and its other end retained on a pillar (10), wherein engagements between said paired retained members (105,40) and said pillar (10) are released by deforming said pillar trim (20) to change the angle of said paired retained members (105,40) with respect to said pillar (10). Although Tyves does not disclose that the retained members are released from the member (10) by deforming the trim member (20), it would be a natural result of the trim member being deformed such that the ends moved away from each other and be released from engagement with the door. As to the limitation that the member that the trim is attached to is a pillar, this is only an intended use limitation which is given little patentable weight. There is no claim language directed to structure of the pillar that would prevent Tyves from meeting the claim limitations of the trim structure.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemizu in view of Deb et al. (US Patent 6,145,908).

Ikeumizu discloses a pillar trim structure, comprising: a pair of retained members (26) each having its one end fixed on a pillar trim (21) and its other end retained on a pillar (11), wherein engagements between said paired retained members (26) and said pillar (11) are released by deforming said pillar trim (21) to change the angle of said paired retained members (26) with respect to said pillar (11).

Ikemizu does not disclose that the trim structure is attached to a pillar from an inner side of a vehicular compartment.

Deb et al. disclose a trim structure (16) for attaching to a pillar (12) from an inside of a vehicular compartment which is attached to the pillar by a clip mechanism.

Ikemizu and Deb et al. are analogous art because they are from a similar problem solving area, i.e., attaching a trim structure to a vehicular structure by a clip mechanism.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the clip mechanism of Ikemizu to attach a trim panel to a pillar from the inside of a vehicular compartment as it would merely involve the alternate utilization of an equivalent attaching means to achieve the same exact function.

Therefore, it would have been obvious to combine Deb et al. with Ikemizu to obtain the invention as specified in claims 18 and 19.

Regarding claim 21, the clip of Ikemizu would be released from the vehicular structure by moving the retained members toward each other.

7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyves in view of Deb et al.

Tyves discloses a pillar trim structure, comprising: a pair of retained members (105,40) each having its one end fixed on a pillar trim (20) and its other end retained on a pillar (10), wherein engagements between said paired retained members (105,40) and said pillar (10) are released by deforming said pillar trim (20) to change the angle of said paired retained members (105,40) with respect to said pillar (10).

Tyves does not disclose that the trim structure is attached to a pillar from an inner side of a vehicular compartment.

Deb et al. disclose a trim structure (16) for attaching to a pillar (12) from an inside of a vehicular compartment which is attached to the pillar by a clip mechanism.

Tyves and Deb et al. are analogous art because they are from a similar problem solving area, i.e., attaching a trim structure to a vehicular structure by a clip mechanism.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the clip mechanism of Tyves to attach a trim panel to a pillar from the inside of a vehicular compartment as it would merely involve the alternate utilization of an equivalent attaching means to achieve the same exact function.

Therefore, it would have been obvious to combine Deb et al. with Tyves to obtain the invention as specified in claims 18 and 19.

Regarding claim 20, the clip of Tyves would be released from the vehicular structure by moving the retained members away from each other.

***Allowable Subject Matter***

8. Claims 1-17 are allowed.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other trim mounting structures.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patricia L Engle  
Examiner  
Art Unit 3612

ple  
April 14, 2004